



# Your Missouri Courts

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SYS (E-CASE)**

<b>Case Header</b>	<b>Parties &amp; Attorneys</b>	<b>Docket Entries</b>	<b>Charges, Judgments &amp; Sentences</b>	<b>Service Information</b>	<b>Filings Due</b>	<b>Scheduled Hearings &amp; Trials</b>	<b>Civil Judgments</b>	<b>Garnishments/ Execution</b>
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☐ Ascending**Display Options:****02/19/2019** ☐ **Corporation Served**

Document ID - 19-SMCC-68; Served To - DIEOMATIC INCORPORATED; Server - SO COLE COUNTY-JEFFERSON CITY; Served Date - 05-FEB-19; Served Time - 08:00:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - , by serving CSC Lawyers, S.L. Designee.

**01/28/2019** ☐ **Summons Issued-Circuit**

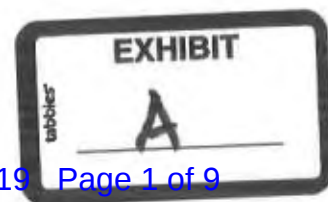
Document ID: 19-SMCC-68, for DIEOMATIC INCORPORATED.

**01/14/2019** ☐ **Filing Info Sheet eFiling****Filed By:** JAMES FREDERIC ADLER☐ **Notice to Take Deposition**

Notice to Take Deposition.

**Filed By:** JAMES FREDERIC ADLER**On Behalf Of:** ROBERT O. CROSS☐ **Pet Filed in Circuit Ct**

Petition for Damages.

☐ **Judge Assigned**

## IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI

**ROBERT O. CROSS**  
 16100 East 25<sup>th</sup> Street South  
 Independence, Jackson County, Missouri 64055,

**Plaintiff,**

**v.**

**DIEOMATIC INCORPORATED,**  
**An Iowa corporation d/b/a LMV Automotive**  
**Systems**  
 Serve Registered Agent, CSC-Lawyers  
 Incorporating Service Company  
 221 Bolivar Street  
 Jefferson City, Cole County, Missouri 65101

**Defendant.**

**Division:** \_\_\_\_\_

**Case No.:** \_\_\_\_\_

**PETITION FOR DAMAGES**  
**(PERSONAL INJURY – VEHICULAR)**

**COMES NOW** Plaintiff, Robert Cross, and for his cause of action against Defendant, Dieomatic Incorporated d/b/a LMV Automotive Systems, states, alleges, and avers as follows:

1. Plaintiff, Robert Cross (“Cross”), is an individual residing at 16100 E. 25<sup>th</sup> Street South, Independence, Jackson County, Missouri 64055.
2. Defendant, Dieomatic Incorporated d/b/a LMV Automotive Systems (“Dieomatic”), is an Iowa Corporation authorized to do business in Missouri, with its registered office at 221 Bolivar Street, Jefferson City, Missouri 65101.
3. This cause of action occurred in Liberty, Clay County, Missouri.
4. Venue is proper in Clay County, Missouri.

5. On or about February 4, 2016 a truck Cross was operating for Penske Logistics was loaded by representatives and agents of Dieomatic at Magna Cosma International LMV, 3251 E. Heartland Drive, Liberty, Missouri 64068.

6. Said load was supposed to be properly secured by employees and agents of Dieomatic, operating within the course and scope of their employment and agency for Dieomatic but it was not.

7. At or around 11:42 a.m. on or about February 4, 2016, Cross was operating a 2012 Freightliner southbound on CST Liberty Boulevard, turning east onto CST Garrison Road, when his vehicle began overturning and landed on its side approximately 84 feet after CST Liberty Boulevard on CST Garrison Road.

8. On or about February 4, 2016, Dieomatic was careless and negligent, to-wit:

- a. Dieomatic failed to properly load the items on Cross' truck;
- b. Dieomatic failed to properly secure the load on the truck;
- c. Dieomatic failed to properly hire, supervise, and train the individual or individuals who loaded the truck;
- d. Dieomatic was otherwise negligent.

9. Dieomatic is responsible for the acts and omissions of its agents alleged herein.

10. As a direct and proximate result of the negligence and carelessness of Dieomatic as set forth herein, Cross sustained the following damages, to-wit:

- a. Cross sustained injuries a closed head injury (right cerebral hemorrhage), a cervical strain, a right shoulder separation, and injury to his back and right knee;
- b. Cross incurred, and will in the future incur, pain, suffering, and agony of body and mind, and the loss of his natural sleep and rest;

- c. Cross has incurred, and will in the future incur, expenses for medical care and treatment, including expenses for physicians, prescription medication, hospitals, physical therapy, and rehabilitation;
- d. Cross has incurred a loss of income and time from his employment and will in the future lose income and time from his employment;
- e. Cross was unable, and may in the future be unable, to participate in all the normal activities of life;
- f. Cross lost the enjoyment of life and may lose future enjoyment of life due to memory loss, headaches, blurred vision, and other health issues; and
- g. Cross' injuries are permanent, he will be unable to return to work, and he is permanently and totally disabled.

11. As a direct and proximate result of the negligence of Dieomatic, Cross has been damaged.

**WHEREFORE**, Plaintiff, Robert Cross, prays judgment against Defendant, Dieomatic Incorporated d/b/a LMV Automotive Systems, for compensatory damages in such sum as is determined to be fair and reasonable, for his costs expended herein, and for such other relief as this Court deems just and proper.

Respectfully submitted,  
**ADLER & MANSON, L.C.**  
By /s/ James F. Adler  
James F. Adler, MO #26845  
9233 Ward Parkway, Suite 240  
Kansas City, Missouri 64114  
PH: (816) 333-0400  
FAX: (816) 333-1547  
[jim@adlerandmanson.com](mailto:jim@adlerandmanson.com)  
**ATTORNEY FOR PLAINTIFF**

- 3 -

**IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI  
CIVIL COURT DEPARTMENT**

**ROBERT CROSS,**

**Plaintiff,**

**v.**

**DIEOMATIC INCORPORATED,  
An Iowa corporation d/b/a LMV  
Automotive Systems,**

**Defendant.**

**Case No.:** \_\_\_\_\_

**Division** \_\_\_\_\_

**NOTICE TO TAKE VIDEO-TAPED DEPOSITION DUCES TECUM  
OF WITNESS**

To: "Dan," personally and as a representative of Dieomatic Incorporated d/b/a LMV Automotive systems, Jason Brown, Aaron Black, and Mickey May, personally and as a representative of Penske Logistics, and Jerome Green and Ralph Norton, personally and as a representative of Teamsters Union Local 41

PLEASE TAKE NOTICE that the deposition of Jason Brown, personally and as a representative for Penske Logistics, will be taken at the law offices of James F. Adler, Adler & Manson, L.C., 9233 Ward Parkway, Suite 240, Kansas City, Missouri 64114, on the date and time set forth below, and if not completed on that day, such deposition will be continued from day to day, at the same place and between the hours of 9:00 a.m. and 6:00 p.m., until completed:

**DEPONENT**

**DATE AND TIME**

"Dan" (Dispatcher)	March 15, 2019 at 1:30 p.m.
Ralph Norton	March 15, 2019 at 2:30 p.m.
Jerome Green	March 15, 2019 at 3:30 p.m.
Mickey May	March 22, 2019 at 1:30 p.m.
Jason Brown	March 22, 2019 at 2:30 p.m.
Aaron Black	March 22, 2019 at 3:30 p.m.

As used herein, the term "the occurrence" refers to the incident Plaintiff had on February 4, 2016 after receiving a load at Cosma International LMV, 3251 E. Heartland Drive, Liberty, Missouri 64068.

**Documents Requested To Be Produced Under This Notice**

Representative is requested to bring to the deposition the following documents:

1. Your resume.
2. Your job description at the time of the subject occurrence.
3. Logs reflecting any checks of the load Plaintiff was given to haul on the date of the subject occurrence.
4. A copy of all photographs and videos you have of the scene or loaded vehicle on the date of the subject occurrence.
5. Any and all photographs you or have of the scene of the occurrence and/or the resulting injuries to Plaintiff the day of the subject occurrence.
6. A copy of all recitals and statements made by (a) Plaintiff (b) other witnesses to the subject incident, and (c) individuals who were at the scene of the subject incident within 30 minutes, whether in writing, reduced to writing, stenotyped, transcribed, audio tape recorded, videotape recorded, or otherwise recorded, including, but not limited to, any telephone recorded statements and conversations, personal (in-person) interviews, correspondence and letters, memos of conversations and transcripts from court proceedings (for which a privilege is not claimed).
7. Initial reports made by your or others of all accidents pertaining to prior similar occurrences (tip-over accidents from loads shifting, or otherwise) for loads from the subject premises since 2011 for which you do not claim a privilege.
8. Any memoranda or other correspondence or documents prepared by you or others respecting any actions that should be taken at any of its locations to avoid or reduce the likelihood of an occurrence similar to the subject occurrence that existed at the time of the subject occurrence and for which you do not claim a privilege.
9. Any reports, forms or other documents that relate to an injury sustained by another party, in whole or in part, from a tip-over accident in the five years preceding the subject occurrence, for which you do not claim a privilege.
10. All statements of you relative to the subject incident, for which you do not claim a privilege.
11. Any and all incident reports or other investigative reports made by you as a result of the subject February 4, 2016 incident.
12. Bill of lading and other documents relating to the load and follow up inspections, as well as your personal notes regarding the subject occurrence.

Respectfully submitted,

ADLER & MANSON, L.C.

By /s/ James F. Adler  
James F. Adler, #26845  
9233 Ward Parkway, Suite 240  
Kansas City, Missouri 64114  
Phone (816) 333-0400; Fax (816) 333-1547  
Jim@adlerandmanson.com  
ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14<sup>th</sup> day of January, 2019, a copy of the foregoing was e-filed with the Clerk of the Circuit Court, to be served with the Petition filed simultaneously herewith.

/s/ James F. Adler  
James F. Adler

Depo notice





# IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI

Judge or Division: JANET SUTTON	Case Number: 19CY-CV00745
Plaintiff/Petitioner: ROBERT O. CROSS	Plaintiff's/Petitioner's Attorney/Address JAMES FREDERIC ADLER 9233 WARD PARKWAY SUITE 240 KANSAS CITY, MO 64114
Defendant/Respondent: DIEOMATIC INCORPORATED DBA: LMV AUTOMOTIVE SYSTEM	Court Address: 11 S WATER LIBERTY, MO 64068
Nature of Suit: CC Pers Injury-Vehicular	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: DIEOMATIC INCORPORATED

Alias:

DBA: LMV AUTOMOTIVE SYSTEM

RA: CSC LAWYERS INCORPORATING  
221 BOLIVAR STREET  
JEFFERSON CITY, MO 65101

COURT SEAL OF



CLAY COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

1/28/2019

Date

Further Information:

### Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

(name) (title).

☐ other

Served at (address)

in (County/City of St. Louis), MO, on (date) at (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on (date).

My commission expires:

Date

Notary Public

### Sheriff's Fees

Summons \$

Non Est \$

Sheriff's Deputy Salary \$ 10.00

Supplemental Surcharge \$

Mileage \$ ( miles @ \$. per mile)

**Total** \$

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.





IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI

Judge or Division: JANET SUTTON	Case Number: 19CY-CV00745
Plaintiff/Petitioner: ROBERT O. CROSS	Plaintiff's/Petitioner's Attorney/Address JAMES FREDERIC ADLER 9233 WARD PARKWAY SUITE 240 KANSAS CITY, MO 64114
Defendant/Respondent: DIEOMATIC INCORPORATED DBA: LMV AUTOMOTIVE SYSTEM	Court Address: 11 S WATER LIBERTY, MO 64068
Nature of Suit: CC Pers Injury-Vehicular	(Date File Stamp)

RECEIVED  
FEB 04 2019  
COLE COUNTY  
SHERIFF'S OFFICE

Summons in Civil Case

The State of Missouri to: DIEOMATIC INCORPORATED  
Alias:  
DBA: LMV AUTOMOTIVE SYSTEM  
RA: CSC LAWYERS INCORPORATING  
221 BOLIVAR STREET  
JEFFERSON CITY, MO 65101

COURT SEAL OF  
  
CLAY COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

1/28/2019  
Date

Karen Thompson  
Further Information

FEB 19 2019  
CLAY COUNTY  
CIRCUIT COURT  
TIME

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.  
☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

CSC Lawyers, S.C. (name) Designer (title).

☐ other

Served at 350 E High (address)

in Cole (County/City of St. Louis), MO, on 02-05-19 (date) at 8:00 AM (time).

Sherriff P Wheeler By Sgt. Almer Wray  
Printed Name of Sheriff or Server Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on (date).

(Seal)

My commission expires: Date Notary Public

Sheriff's Fees

Summons \$  
Non Est \$  
Sheriff's Deputy Salary  
Supplemental Surcharge \$ 10.00  
Mileage \$ ( miles @ \$. per mile)  
Total \$

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

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